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11-6188872

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re:

BOYSIN RALPH LORICK,
CYNTHIA THERESA LORICK,

Debtors.

Chapter 11
Case No.: 1-16-45645-nhl

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NOTICE OF APPEAL

PLEASE TAKE NOTICE that Soleyman Ghalchi, the party declared to be the Successful Bidder for Debtors' Real Property located at 3126 Coney Island Avenue, Brooklyn, New York (the "Property"), by and through its counsel, Certilman Balin Adler & Hyman, LLP, hereby appeals, pursuant to 28 U.S.C. § 158(a) and Rule 8001 of the Federal Rules of Bankruptcy Procedure, to the United States District Court for the Eastern District of New York, the Order Denying Motion of Soleyman Ghalchi, pursuant to Rule 9023 of Federal Rule of Bankruptcy Procedure and Rule 59(e) of Federal Rules of Civil Procedure, for Relief from Order Confirming Sale of Real Property dated September 8, 2017 and Entered September 11, 2017 (per Honorable Carla E. Craig), dated October 12, 2017 and entered October 13, 2017 (the "Motion Denying Motion for Reconsideration") [Dkt. No 133].

The names of all parties to the order appealed from and the names, address and telephone numbers of their respective attorneys are as follows:

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Dated: East Meadow, New York
October 26, 2017

CERTILMAN BALIN ADLER & HYMAN, LLP
Counsel to Soleyman Ghalchi

By: /s/Richard J. McCord
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UNITED STATES BANKRUPTCY COURT
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In re:

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**ORDER DENYING MOTION OF SOLEYMON GHALCHI, PURSUANT
TO RULE 9023 OF FEDERAL RULES OF BANKRUPTCY PROCEDURE AND
RULE 59(e) OF FEDERAL RULES OF CIVIL PROCEDURE, FOR RELIEF
FROM ORDER CONFIRMING SALE OF REAL PROPERTY DATED
SEPTEMBER 8, 2017 AND ENTERED SEPTEMBER 11, 2017**

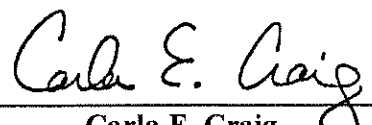
UPON consideration of (A) the Motion of Soleymon Ghalchi (“Ghalchi”), Successful Bidder at the auction sale of Debtors’ Real Property located at 3126 Coney Island Avenue, Brooklyn, New York (the “Property”), pursuant to 11 U.S.C. §§ 105 and 363, Rule 60(b) of the Federal Rules of Civil Procedure (“Federal Rules”), made applicable herein by Rule 9024 of the Federal Rules of Bankruptcy Procedure (“Bankruptcy Rules”), for the entry of an order to show cause: (i) setting aside the Order Approving the Sale of Real Property “As Is” and “Where Is,” Free and Clear of All Liens, Claims, Encumbrances, and Interests and Granting Related Relief, dated September 8, 2017 and entered September 11, 2017 (the “Sale Confirmation Order”); (ii) staying the sale of the Property staying the sale of the Property and the requirement that Mr. Ghalchi must remit an additional deposit to Ortiz & Ortiz, L.L.P., as Deposit Agent, pending a hearing and a determination of the motion; and (iii) granting such other, further and related relief as may be just, proper and equitable, dated September 11, 2017 (the “Motion”), and all exhibits to the Motion; (B) the Affirmation of Richard J. McCord Pursuant to E.D.N.Y. Local Bankruptcy Rule 9077-1, dated September 11, 2017; (C) the Ghalchi Objection to Entry of the Sale Confirmation Order dated and filed September 8, 2017; (D) the Order Scheduling Hearing for

Relief Under Federal Rule of Bankruptcy Procedure 9023, dated September 22, 2017 and entered September 25, 2017, pursuant to which the Court determined to treat the Motion, for all intents and purposes, to be a motion pursuant to Bankruptcy Rule 9023, as made applicable herein by Federal Rule 59(e); (E) the Response to the Motion filed by Wells Fargo Bank on September 27, 2017; (F) the Response to the Motion filed by the Debtors on September 28, 2017; (G) Ghalchi's Reply to the Responses of the Debtors and Wells Fargo, filed on October 2, 2017; (H) the Court's extension of the parties' time to file a Joint Pre-Trial Order, as reflected on the docket of the conference conducted by the Court on October 2, 2017; (I) the Letter to the Court from counsel to Ghalchi, dated October 3, 2017, regarding the parties' inability to timely file a Joint Pre-Trial Order; (J) the Amended Joint Pre-Trial Order and Exhibits 1-35 and 38-45 thereto, filed October 4, 2017, at 19:07:46; (K) Exhibits 36 and 37 to Amended Pre-Trial Order, filed October 5, 2017; and (L) all evidence adduced at the evidentiary hearing conducted by the Court on October 5-6, 2017 (the "Evidentiary Hearing"); and it appearing that this Court has jurisdiction to consider the Motion; it is hereby

ORDERED, that the Motion of Soleyman Ghalchi for Relief Pursuant to Rule 9023 of the Federal Rules of Bankruptcy Procedure, as made applicable herein by Rule 59(e) of the Federal Rules of Civil Procedure, is denied for the reasons stated by the Court on the record of the Evidentiary Hearing.

**Dated: Brooklyn, New York
October 12, 2017**





Carla E. Craig
United States Bankruptcy Judge